

Effective 5/10/2016

11-13-202.5 Approval of certain agreements -- Review by attorney.

- (1) Each agreement under Section 11-13-202 and each agreement under Section 11-13-212 shall be approved by:
 - (a) except as provided in Subsections (1)(b) and (c), the commission, board, council, or other body or officer vested with the executive power of the public agency;
 - (b) the legislative body of the public agency if the agreement:
 - (i) requires the public agency to adjust its budget for a current or future fiscal year;
 - (ii) includes an out-of-state public agency as a party;
 - (iii) provides for the public agency to acquire or construct:
 - (A) a facility; or
 - (B) an improvement to real property;
 - (iv) provides for the public agency to acquire or transfer title to real property;
 - (v) provides for the public agency to issue bonds;
 - (vi) creates an interlocal entity; or
 - (vii) provides for the public agency to share taxes or other revenues; or
 - (c) if the public agency is a public agency under Subsection 11-13-103(19)(b), the director or other head of the applicable state department, division, or agency.
- (2) If an agreement is required under Subsection (1) to be approved by the public agency's legislative body, the resolution or ordinance approving the agreement shall:
 - (a) specify the effective date of the agreement; and
 - (b) if the agreement creates an interlocal entity:
 - (i) declare that it is the legislative body's intent to create an interlocal entity;
 - (ii) describe the public purposes for which the interlocal entity is created; and
 - (iii) describe the powers, duties, and functions of the interlocal entity.
- (3) The officer or body required under Subsection (1) to approve an agreement shall, before the agreement may take effect, submit the agreement to the attorney authorized to represent the public agency for review as to proper form and compliance with applicable law.

Amended by Chapter 382, 2016 General Session